

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

NATIONSTAR MORTGAGE LLC,,

Plaintiff,

v.

17-CV-508
ORDER

FEIN, SUCH & CRANE LLP,,

Defendant.

On November 4, 2016, the plaintiff commenced this action for legal malpractice and breach of contract. Docket Item 1. On June 30, 2017, the defendant moved to dismiss, Docket Item 24; and on July 28, 2017, the plaintiff filed a memorandum of law in opposition to the motion. Docket Item 27. On July 31, 2017, this Court referred this case to United States Magistrate Judge H. Kenneth Schroeder, Jr., for all proceedings under 28 U.S.C. § 636(b)(1)(A) and (B). Docket Item 29. On August 31, 2017, the defendant replied to the plaintiff's memorandum of law. Docket Item 31.

On August 21, 2018, Judge Schroeder issued a Report and Recommendation ("R&R"), finding that the defendant's motion should be denied. Docket Item 32. The parties did not object to the R&R, and the time to do so now has expired. See 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(2).

A district court may accept, reject, or modify the findings or recommendations of a magistrate judge. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(3). A district court must conduct a de novo review of those portions of a magistrate judge's recommendation to which a party objects. 28 U.S.C. § 636(b)(1); Fed. R. Civ.

P. 72(b)(3). But neither 28 U.S.C. § 636 nor Federal Rule of Civil Procedure 72 requires a district court to review the recommendation of a magistrate judge to which no objections are raised. See *Thomas v. Arn*, 474 U.S. 140, 149-50 (1985).

Although not required to do so in light of the above, this Court nevertheless has reviewed Judge Schroeder's R&R as well as the parties' submissions to him. Based on that review and the absence of any objections, the Court accepts and adopts Judge Schroeder's recommendation to deny the defendant's motion.

For the reasons stated above and in the R&R, the defendant's motion to dismiss, Docket Item 24, is DENIED. The case is referred back to Judge Schroeder for further proceedings consistent with the referral order of July 31, 2017. Docket Item 29.

SO ORDERED.

Dated: September 13, 2018
Buffalo, New York

s/Lawrence J. Vilardo
LAWRENCE J. VILARDO
UNITED STATES DISTRICT JUDGE